

HOUSE JOURNAL

SEVENTY-SEVENTH LEGISLATURE, REGULAR SESSION

PROCEEDINGS

TWENTY-SECOND DAY — MONDAY, FEBRUARY 19, 2001

The house met at 10 a.m. and was called to order by the speaker.

The roll of the house was called and a quorum was announced present (Record 22).

Present — Mr. Speaker; Alexander; Allen; Averitt; Bailey; Berman; Bonnen; Bosse; Brimer; Brown, B.; Brown, F.; Burnam; Callegari; Capelo; Carter; Chavez; Chisum; Christian; Clark; Coleman; Cook; Corte; Crabb; Craddick; Crownover; Danburg; Davis, J.; Davis, Y.; Delisi; Denny; Deshotel; Driver; Dukes; Dunnam; Dutton; Edwards; Ehrhardt; Eiland; Elkins; Ellis; Farabee; Farrar; Flores; Gallego; Garcia; George; Geren; Giddings; Goodman; Goolsby; Green; Grusendorf; Gutierrez; Haggerty; Hamric; Hardcastle; Hartnett; Hawley; Heflin; Hilbert; Hilderbran; Hill; Hinojosa; Hochberg; Hodge; Homer; Hope; Hopson; Howard; Hunter; Hupp; Isett; Janek; Jones, D.; Jones, E.; Jones, J.; Junell; Keel; Keffer; King, P.; King, T.; Kitchen; Kolkhorst; Krusee; Kuempel; Lewis, G.; Lewis, R.; Longoria; Luna; Madden; Marchant; Martinez Fischer; Maxey; McCall; McClendon; McReynolds; Menendez; Merritt; Miller; Moreno, J.; Moreno, P.; Morrison; Mowery; Naishtat; Najera; Nixon; Noriega; Oliveira; Olivo; Pickett; Pitts; Puente; Ramsay; Rangel; Raymond; Reyna, A.; Reyna, E.; Ritter; Salinas; Seaman; Shields; Smith; Smithee; Solis; Solomons; Swinford; Talton; Telford; Thompson; Tillery; Truitt; Turner, B.; Turner, S.; Uher; Uresti; Villarreal; Walker; West; Williams; Wilson; Wise; Wohlgemuth; Wolens; Woolley; Yarbrough; Zbranek.

Absent, Excused — Counts; Glaze; Gray; Sadler.

The invocation was offered by Father Anton Sheltz, pastor, St. Dominic Catholic Church, Houston, as follows:

Almighty and eternal God, this legislative body gathers in your presence once again, so that it might serve those who have called them to represent their hopes and needs. As this new day of deliberations, committee meetings, and constituent visits begins, they seek your guidance and your wisdom. With your help may they approach this new day with a profound sense of humility for the trust and faith that has been afforded them by those who elected them. May they approach their many and varied tasks during this day with diligence, seeing them as opportunities for seeking the truth that may be coming to them from many different voices, some that may even be contrary to their own. May you give them the courage to stand by the conviction of their principles, even if it should prove to be less than politically expedient. May they also have the courage to change when it is for the greater good of all.

Almighty God, we ask for your continued blessings upon our governor and all the elected officials that guide the daily governance of this great state. We also ask that you guide the many agencies that offer the services of this state to its people. May the continuing endeavors of this legislative gathering

enhance these services and the opportunities for a better tomorrow for all its citizens.

As the duly elected members of this house of representatives, we women and men offer this day of service to you, almighty God, and to those who sent us here. May our work be worthy of this trust. Amen.

LEAVES OF ABSENCE GRANTED

The following member was granted leave of absence for today because of important business in the district:

Counts on motion of Cook.

The following member was granted leave of absence for today because of important business:

Gray on motion of Haggerty.

The following member was granted leave of absence for today because of illness in the family:

Sadler on motion of Gallego.

The following member was granted leave of absence for today because of illness:

Glaze on motion of Alexander.

BILLS AND RESOLUTIONS SIGNED BY THE SPEAKER

Notice was given at this time that the speaker had signed bills and resolutions in the presence of the house (see the addendum to the daily journal, Signed by the Speaker, House List No. 9).

CAPITOL PHYSICIAN

The speaker recognized Representative Luna who presented Dr. Rick Edwards of Corpus Christi as the "Doctor for the Day."

The house welcomed Dr. Edwards and thanked him for his participation in the Physician of the Day Program sponsored by the Texas Academy of Family Physicians.

MESSAGE FROM THE SENATE

A message from the senate was received at this time (see the addendum to the daily journal, Messages from the Senate, Message No. 1).

HR 149 - ADOPTED **(by Pitts)**

Representative Pitts moved to suspend all necessary rules to take up and consider at this time **HR 149**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 149, Honoring Sue Meischen for receiving the first Bill Connelly Outstanding Service Award from the Paramount Theatre in Austin.

HR 149 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Pitts, who introduced Sue Meischen; her son, Scott; her grandchildren, Emily, Michael, and Jonathan; and her sister.

HR 299 - ADOPTED (by Kitchen)

Representative Kitchen moved to suspend all necessary rules to take up and consider at this time **HR 299**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 299, Welcoming a Japanese delegation of Motorola Marathon runners to Austin.

HR 299 was read and was adopted without objection.

INTRODUCTION OF GUESTS

The speaker recognized Representative Kitchen, who introduced a delegation from Sendai, Japan, who participated in the Motorola Marathon.

HR 264 - ADOPTED (by Hill, Madden, Goolsby, Brimer, and Driver)

Representative Hill moved to suspend all necessary rules to take up and consider at this time **HR 264**.

The motion prevailed without objection.

The following resolution was laid before the house:

HR 264, Recognizing February 20, 2001, as Richardson Telecom Corridor Legislative Day at the State Capitol.

HR 264 was adopted without objection.

RULES SUSPENDED

Representative Wilson moved to suspend the 5-day posting rule to allow the Committee on Licensing and Administrative Procedures to consider **HB 688**, **HB 892**, **HB 1046**, **HB 1222**, and **HB 1506**.

The motion prevailed without objection.

BILLS AND JOINT RESOLUTIONS ON FIRST READING AND REFERRAL TO COMMITTEES RESOLUTIONS REFERRED TO COMMITTEES

Bills and joint resolutions were at this time laid before the house, read first time, and referred to committees. Resolutions were at this time laid before the house and referred to committees. (See the addendum to the daily journal, Referred to Committees, List No. 1.)

(Hodge in the chair)

ADJOURNMENT

Representatives Keel and Eiland moved that the house adjourn until 10 a.m. tomorrow in memory of Keith Ruiz, Travis County deputy sheriff, and Dale Earnhardt, NASCAR racecar driver.

The motion prevailed without objection.

The house accordingly, at 10:52 a.m., adjourned until 10 a.m. tomorrow.

ADDENDUM

REFERRED TO COMMITTEES

The following bills and joint resolutions were today laid before the house, read first time, and referred to committees, and the following resolutions were today laid before the house and referred to committees. If indicated, the chair today corrected the referral of the following measures:

List No. 1

HB 1661 (By Alexander), Relating to the collection and enforcement of tolls on certain toll roads and toll projects; providing for civil and criminal penalties.

To Transportation.

HB 1662 (By Alexander), Relating to the automatic location identification system along state highways.

To Public Safety.

HB 1663 (By Alexander), Relating to the power of the East Cedar Creek Fresh Water Supply District to produce and market agricultural products.

To Natural Resources.

HB 1664 (By Alexander), Relating to certain regulations of the sale and operation of certain vehicles.

To Transportation.

HB 1665 (By Alexander), Relating to the duties and authority of the Texas Motor Vehicle Board and to the regulation of the sale of motor vehicles.

To Transportation.

HB 1666 (By Bailey), Relating to civil service systems for constables' offices in certain counties.

To County Affairs.

HB 1667 (By Puente), Relating to the retirement system for firefighters and police officers in certain municipalities.

To Pensions & Investments.

HB 1668 (By Miller), Relating to character education programs in public schools.

To Public Education.

HB 1669 (By B. Turner), Relating to the duty of an operator of an underground facility to notify an excavator of the operator's intentions.

To Public Safety.

HB 1670 (By Coleman), Relating to the functions of a municipal or county cultural education facilities finance corporation.
To County Affairs.

HB 1671 (By Hochberg), Relating to the names of certain entities within The University of Texas System.
To Higher Education.

HB 1672 (By Green), Relating to the eligibility of graduates of private high schools for higher education TEXAS grants.
To Higher Education.

HB 1673 (By Burnam), Relating to the salvage of certain distressed merchandise.
To Public Health.

HB 1674 (By Burnam), Relating to access to motor vehicle insurance coverage for good drivers; providing penalties.
To Insurance.

HB 1675 (By Burnam), Relating to the establishment of a minimum wage for public employees.
To State Affairs.

HB 1676 (By Burnam), Relating to health benefit plan coverage for survivors of traumatic brain injury.
To Insurance.

HB 1677 (By Burnam), Relating to the dedication of a portion of certain federal funds for certain local improvements and to the establishment of a Safe Routes to School Program.
To Transportation.

HB 1678 (By Bosse), Relating to nonrepairable and salvage motor vehicles.
To Transportation.

HB 1679 (By Bosse), Relating to the operation of certain vehicle combinations that exceed maximum weight limitations.
To Transportation.

HB 1680 (By Bosse), Relating to the regulation of certain extra job coordinators by the Texas Commission on Private Security.
To Public Safety.

HB 1681 (By Bosse), Relating to the regulation of tow trucks by political subdivisions of this state.
To Transportation.

HB 1682 (By Alexander and Averitt), Relating to the rate of the state gasoline tax.
To Ways & Means.

HB 1683 (By Goolsby), Relating to the powers of certain transportation authorities and to the exercise of those powers.
To Urban Affairs.

HB 1684 (By Solomons), Relating to certain finance charges that may be included in a retail installment agreement.

To Financial Institutions.

HB 1685 (By Rangel), Relating to a partnership or affiliation between certain entities and a general academic teaching institution or a medical and dental unit.

To Higher Education.

HB 1686 (By Kolkhorst), Relating to reporting of animal diseases by veterinarians.

To Agriculture & Livestock.

HB 1687 (By Kolkhorst), Relating to the powers and duties of the Texas Animal Health Commission.

To Agriculture & Livestock.

HB 1688 (By McClendon), Relating to the possession and self-administration of prescription asthma medicine by public school students while on school property or at a school-related event or activity.

To Public Education.

HB 1689 (By Chisum), Relating to an exemption from ad valorem taxation for certain organizations engaged primarily in performing charitable functions.

To Ways & Means.

HB 1690 (By Maxey), Relating to the transfer of the administration of adult and community education programs to the Texas Higher Education Coordinating Board.

To Public Education.

HB 1691 (By Maxey, Gallego, Keel, Uher, and Eiland), Relating to the Texas Council on Purchasing from People with Disabilities.

To Human Services.

HB 1692 (By Chisum, Laney, Counts, Walker, Swinford, et al.), Relating to customer protections applicable to certain electric utilities.

To State Affairs.

HB 1693 (By Delisi), Relating to local government plans to respond to bioterrorism.

To Public Health.

HB 1694 (By Hamric), Relating to the exemption from ad valorem taxation of motor vehicles leased for personal use.

To Ways & Means.

HB 1695 (By Yarbrough), Relating to wages used to compute eligibility for unemployment compensation benefits.

To Economic Development.

HB 1696 (By Hardcastle), Relating to the membership and activities of the Interagency Council on Autism and Pervasive Developmental Disorders.

To Human Services.

HB 1697 (By Ellis), Relating to the erection and maintenance of outdoor advertising by certain nonprofit organizations.

To Transportation.

HB 1698 (By Morrison), Relating to the enhancement of penalties for certain intoxication offenses.

To Criminal Jurisprudence.

HB 1699 (By Morrison), Relating to the enhancement of penalties for certain intoxication offenses.

To Criminal Jurisprudence.

HB 1700 (By Gutierrez), Relating to short-term motor vehicle liability insurance policies for motorists entering this state from Mexico.

To Insurance.

HB 1701 (By E. Reyna), Relating to the exemption from jury service of certain employees of a business entity.

To Judicial Affairs.

HB 1702 (By Green), Relating to immunizations and the immunization registry.

To Public Health.

HB 1703 (By Smithee), Relating to regulation of nonadmitted captive insurance companies.

To Insurance.

HB 1704 (By Smithee), Relating to the establishment and operation of a task force to examine issues regarding expansion of the provision of health benefits to employees of small businesses.

To Insurance.

HB 1705 (By Smithee), Relating to the issuance of Air Force Association license plates.

To Transportation.

HB 1706 (By Farrar), Relating to the regulation of architecture, landscape architecture, and interior design by the Texas Board of Architectural Examiners.

To Licensing & Administrative Procedures.

HB 1707 (By Keel), Relating to the regulation of controlled substances under the Texas Controlled Substances Act, to the accessibility of certain information collected under that Act, and to the punishment for certain offenses under that Act.

To Criminal Jurisprudence.

HB 1708 (By Keffer), Relating to contribution rates for cotton ginner for unemployment compensation purposes.

To Economic Development.

HB 1709 (By Averitt), Relating to assessments used to fund the Health Insurance Risk Pool; authorizing a premium tax credit.

To Insurance.

HB 1710 (By Brimer), Relating to the financing of certain economic development projects.

To Ways & Means.

HB 1711 (By Hawley), Relating to the boll weevil eradication program.

To Agriculture & Livestock.

HB 1712 (By Maxey), Relating to online public access to certain information regarding attorneys.

To Licensing & Administrative Procedures.

HB 1713 (By Thompson), Relating to the suspension of sentence and the deferral of adjudication in cases involving certain misdemeanor traffic offenses.

To Criminal Jurisprudence.

HB 1714 (By Thompson), Relating to applications for disabled parking placards.

To Transportation.

HB 1715 (By Thompson), Relating to the authority of certain county judges to engage in the private practice of law.

To Judicial Affairs.

HB 1716 (By Puente), Relating to the establishment and operation of the San Antonio Life Sciences Institute in The University of Texas System.

To Higher Education.

HB 1717 (By Uresti), Relating to the evaluation and approval of continuing education courses for occupational therapists.

To Public Health.

HB 1718 (By Y. Davis), Relating to the appointment of the directors of a regional tollway authority.

To Transportation.

HB 1719 (By Eiland), Relating to prohibiting certain persons and entities from banning the use of recording devices during the delivery of a child.

To Public Health.

HB 1720 (By Janek), Relating to liens for certain services provided by physicians.

To Business & Industry.

HB 1721 (By Martinez Fischer), Relating to certification examinations for educators outside the state.

To Public Education.

HB 1722 (By Capelo), Relating to a requirement that school district nurses and counselors provide information and assistance concerning student enrollment in the state child health plan.

To Public Education.

HB 1723 (By Seaman), Relating to the creation of a county employment development board in certain counties to develop programs for rural economic assistance for career training; authorizing a tax.

To Land & Resource Management.

HB 1724 (By Seaman), Relating to a pilot project for administering the Texas Academic Skills Program Test to high school students.

To Public Education.

HB 1725 (By Janek), Relating to the power of certain rapid transit authorities to order an election on certain measures.

To Urban Affairs.

HB 1726 (By Kitchen), Relating to the taking of a blood sample or other specimen from a person arrested for certain felonies for the purposes of DNA analysis.

To Criminal Jurisprudence.

HB 1727 (By Maxey), Relating to the giving of notice of intent to introduce a local or special law.

To State Affairs.

HB 1728 (By Maxey), Relating to the use of cigarettes and tobacco products at state hospitals.

To Public Health.

HB 1729 (By Goolsby), Relating to preventing the consequences of theft, including retail theft; providing penalties.

To Criminal Jurisprudence.

HB 1730 (By Goolsby), Relating to the requirement that the name of a state agency be printed on certain state motor vehicles.

To Licensing & Administrative Procedures.

HB 1731 (By T. King), Relating to the exemption from ad valorem taxation for freeport goods.

To Ways & Means.

HB 1732 (By T. King), Relating to the changing of an ad valorem tax appraisal roll.

To Ways & Means.

HB 1733 (By J. Moreno), Relating to the licensing requirements for labor halls in certain municipalities.

To Licensing & Administrative Procedures.

HB 1734 (By J. Moreno), Relating to the definition of "deadly weapon" for purposes of the prosecution of certain offenses.

To Criminal Jurisprudence.

HB 1735 (By Allen), Relating to authorizing certain nature centers in certain counties to charge admission fees.

To County Affairs.

HB 1736 (By Wolens, Counts, and Hawley), Relating to the enhanced availability of advanced telecommunications services.

To State Affairs.

HB 1737 (By Carter), Relating to the location of cemeteries; amending Sections 711.008 and 711.033, Health and Safety Code.

To Urban Affairs.

HB 1738 (By Kitchen), Relating to a study of the costs of providing transportation services for public school students.
To Public Education.

HB 1739 (By Martinez Fischer), Relating to increasing the penalty for a violation of certain laws involving the restraint of a child in a motor vehicle.
To Transportation.

HB 1740 (By Dunnam), Relating to appeal of certain court orders and judgments relating to arbitration.
To Civil Practices.

HCR 136 (By Counts), Honoring professional golfer Charles Coody of Abilene.
To Rules & Resolutions.

HCR 137 (By T. King), In memory of Judge Ross E. Doughty, Jr., of Uvalde.
To Rules & Resolutions.

HR 280 (By Hopson), Recognizing February 22, 2001, as Palestine Day at the Capitol.
To Rules & Resolutions.

HR 281 (By Averitt and Dunnam), Recognizing February 27, 2001, as Waco Day at the State Capitol.
To Rules & Resolutions.

HR 282 (By Smith), Honoring the Miss Texas Scholarship Pageant and the organizers and participants from Hurst-Euless-Bedford.
To Rules & Resolutions.

HR 283 (By Tillery), In honor of the Mesquite Independent School District's 100 years of academic excellence and success.
To Rules & Resolutions.

HR 284 (By Tillery), Honoring the career and service of Dr. John D. Horn of Mesquite.
To Rules & Resolutions.

HR 285 (By Hunter), In memory of Myrle Greathouse.
To Rules & Resolutions.

HR 286 (By Hawley), Honoring the Texas Scholars of San Patricio County.
To Rules & Resolutions.

HR 287 (By T. King), In memory of Jesse Trevino Arreola of Uvalde.
To Rules & Resolutions.

HR 288 (By McCall), Recognizing February 21, 2001, as Collin County Day at the State Capitol.
To Rules & Resolutions.

HR 289 (By B. Brown), Honoring the Forney Independent School District.
To Rules & Resolutions.

HR 290 (By B. Brown), Congratulating the Forney High School Jackrabbits football team on winning UIL Class 3A regional championship and on its remarkable 2000 season.

To Rules & Resolutions.

HR 291 (By B. Brown), In honor of Dr. John Coble of Greenville, 2001-2002 president of the Texas Optometric Association.

To Rules & Resolutions.

HR 292 (By Christian), Recognizing February 20, 2001, as Shelby County Day at the State Capitol.

To Rules & Resolutions.

HR 293 (By Christian), Honoring Catherine Davis Pinkston of Shelby County for her many community contributions.

To Rules & Resolutions.

HR 294 (By Telford), Recognizing February 28, 2001, as Rural Hospital Day at the State Capitol.

To Rules & Resolutions.

HR 295 (By Dukes), Honoring Sigma Gamma Rho Sorority, Inc., for its outstanding service to young individuals and welcoming its members to the Capitol.

To Rules & Resolutions.

HR 296 (By Dukes), Congratulating the American Society of Mechanical Engineers team from The University of Texas at Austin on its victory at the 2000 Rube Goldberg Machine Contest.

To Rules & Resolutions.

HR 297 (By Brimer), Recognizing February 21, 2001, as Mansfield Day at the State Capitol.

To Rules & Resolutions.

SB 36 to Human Services.

SB 37 to Human Services.

SB 38 to Human Services.

SB 82 to Public Education.

SB 84 to Civil Practices.

SB 149 to Higher Education.

SB 209 to Public Education.

SB 387 to Public Education.

SB 439 to Public Health.

SIGNED BY THE SPEAKER

The following bills and resolutions were today signed in the presence of the house by the speaker:

House List No. 9

HCR 134

MESSAGES FROM THE SENATE

The following messages from the senate were today received by the house:

Message No. 1

MESSAGE FROM THE SENATE
SENATE CHAMBER
Austin, Texas
Monday, February 19, 2001

The Honorable Speaker of the House
House Chamber
Austin, Texas

Mr. Speaker:

I am directed by the Senate to inform the House that the Senate has taken the following action:

THE SENATE HAS PASSED THE FOLLOWING MEASURES:

HCR 93 Gallego SPONSOR: Shapleigh
Extending to Governor Patricio Martinez Garcia of Chihuahua, Mexico, best wishes for a speedy recovery.

SB 68 Moncrief
Relating to protective orders with regard to dating violence.

SB 71 Haywood
Relating to the compensation and reimbursement of expenses of members of the Midwestern State University board of regents.

SB 72 Haywood
Relating to the titles of the presiding officers of the board of regents of Texas Woman's University.

SB 73 Haywood
Relating to the removal of members of the board of regents of Midwestern State University.

SB 140 Moncrief
Relating to the appointment of a person who has a history of abuse or neglect as a sole managing conservator.

Respectfully,

Betty King
Secretary of the Senate

APPENDIX

STANDING COMMITTEE REPORTS

Favorable reports have been filed by committees as follows:

February 15

Judicial Affairs - **HB 78, HB 317, HB 536, HB 537, HB 538, HB 715**

ENROLLED

February 15 - HCR 134

SIGNED BY THE GOVERNOR

February 15 - HCR 43, HCR 48, HCR 49, HCR 91, HCR 97, HCR 107

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